

REMARKS

In paragraph 2 of the Office Action claims 1, 3-4 and, and 17-19 stand rejected under 35 USC 112 because the specification as disclosed required the refractive index relationship between components to be set forth in order to make the invention. It is respectfully requested that this rejection be reconsidered and withdrawn as the refractive index relationship has been inserted into claim 1 from claim 2. Further, it is noted that in paragraph 8 the Examiner indicated claim 2 would be allowable if written in independent form and amended to overcome the rejections of the 35 USC 112. As claim 2 has now been inserted into claim 1, it is respectfully urged that claim 1 and those dependent thereon are now all allowable.

In paragraph 3 claims 18 and 19 stand rejected under 35 USC 112 as not complying with the written description requirement. It is respectfully requested that this rejection be reconsidered and withdrawn as this claims have been deleted.

In paragraph 4 claims 2, 9-12, 17, and 19 stand rejected under 35 USC 112 as being indefinite. The Examiner states that in claim 2 the term "wherein" should be added before the phrase "the optical vector". The suggested term has been added in the insertion of claim 2 into claim 1. Therefore, withdrawal is respectfully requested. Claim 9 is stated to be confusing. It is respectfully requested that this rejection be withdrawn as claim 9 has been deleted. With respect to claims 10 and 11, the Examiner states that "coated layer" should be "coating layer". It is respectfully requested that this rejection be withdrawn as the Examiner's suggested phrase has been inserted in claims 10 and 11. The Examiner states that in claim 12 the phrase "coated shell" should be just "shell" or "shell coating ". It is respectfully requested that the rejection of claim 12 be withdrawn as the term "shell" is now utilized. The Examiner states that claims 17 and 19 have terms that are not defined. It is respectfully requested that these rejections be withdrawn as claims 17 and 19 have been canceled.

Claims 1 and 3 stand rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of US Patent 6,586,096. The undersigned apologizes for the Terminal Disclaimer not being filed as stated in the previous response. Nevertheless, a Terminal

Disclaimer accompanies this response and it is respectfully requested that the double patenting rejection be reconsidered and withdrawn.

Claims 1, 3-14, and 17-19 stand rejected under 35 USC 103 as being unpatentable over Border (096). It is respectfully requested that this rejection be reconsidered and withdrawn as claim 1 now corresponds to previous claim 2, which was indicated as allowable by the Examiner.

The applicant gratefully notes that in paragraphs 7 and 8 the Examiner indicated claim 2 to be allowable if rewritten to be an independent claim and amended to overcome the 35 USC 112 rejection of claim 2. Claim 1 now is independent claim 2 rewritten, with the 35 USC 112 rejection overcome. Therefore as claim 1 as the only independent claim in this application, it is respectfully requested that all 35 USC 103 and 35 USC 112 rejections be reconsidered and withdrawn.

Therefore, it is respectfully requested that the rejections over double patenting, 35 USC 112, and 35 USC 103 be reconsidered and withdrawn and that an early Notice of Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Paul A. Leipold", is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.